

EXHIBIT 79

(EXHIBIT FILED UNDER SEAL)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL)
ROBOT ANTITRUST LITIGATION) Case No.:
-----) 3:21-cv-03825-VC
THIS DOCUMENT RELATES TO:)
ALL CASES) Pages 1 to 205
-----)
SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)
)
Plaintiff,)
)
vs.)
)
INTUITIVE SURGICAL, INC.,)
)
Defendant.)
-----)

DEPOSITION OF:
CLIFTON EARL PARKER, VOLUME I
TUESDAY, OCTOBER 25, 2022
9:08 a.m. Eastern Daylight Time

REPORTED BY:
Vickie Blair
CSR No. 8940, RPR-CRR
JOB NO. 5541122

PAGES 1 - 207

Page 1

1 Q Thank you. 11:33:01

2 Earlier on, Ms. Winner, a couple times, 11:33:06

3 referenced the fact that you were -- Restore was not 11:33:11

4 utilizing its repair technology since, I believe it was 11:33:12

5 late 2019; is that right? 11:33:15

6 A We were not, we stopped using Rebotix's 11:33:16

7 repair technology in October of 2019, and then we've 11:33:20

8 started developing our own December of 2019, January of 11:33:24

9 2020. 11:33:31

10 Q You have not reset any EndoWrists with 11:33:31

11 Restore technology since that time; correct? 11:33:35

12 A Not for hospitals, just for internal 11:33:38

13 testing purposes. 11:33:41

14 Q Why haven't you reset any EndoWrist for 11:33:43

15 hospitals in that time frame? 11:33:47

16 A It's futile. If we do that, then 11:33:49

17 Intuitive goes to the hospital and threatens to end 11:33:51

18 their contracts, threatens to not sell them 11:33:55

19 instruments, not sell them accessories, threatens to 11:33:59

20 move their doctors to other hospitals, et cetera. 11:34:01

21 Q And you say that because that's what 11:34:05

22 Intuitive has done in the past? 11:34:08

23 A Correct. 11:34:11

24 MS. WINNER: Objection. Lack of 11:34:12

25 foundation. 11:34:17

1			11:44:53
2	Q		11:44:55
3	A		11:44:58
4	Q		11:45:00
5			11:45:03
6	A		11:45:04
7			11:45:12
8			11:45:19
9			11:45:23
10	Q		11:45:24
11			11:45:31
12	A	We did. We bought a building in Las	11:45:37
13		Vegas.	11:45:40
14	Q	How many square feet is that? Do you	11:45:40
15		know?	11:45:42
16	A	I don't know, I'm going to guess 3200,	11:45:42
17		that's a guess, I don't re- -- I don't remember.	11:45:49
18	Q		11:45:52
19			11:45:57
20			11:46:02
21	A		11:46:06
22			11:46:08
23			11:46:16
24	Q		11:46:18
25			11:46:21

1	[REDACTED]	11:46:26
2	A [REDACTED]	11:46:30
3	[REDACTED]	11:46:38
4	[REDACTED]	11:46:42
5	[REDACTED]	11:46:46
6	[REDACTED]	11:46:49
7	[REDACTED]	11:46:53
8	[REDACTED]	11:47:00
9	[REDACTED]	11:47:05
10	[REDACTED]	11:47:10
11	[REDACTED]	11:47:13
12	[REDACTED]	11:47:18
13	Q [REDACTED]	11:47:20
14	[REDACTED]	11:47:24
15	[REDACTED]	11:47:29
16	MS. WINNER: [REDACTED]	11:47:34
17	THE WITNESS: [REDACTED]	11:47:39
18	MS. WINNER: [REDACTED]	11:47:39
19	THE WITNESS: [REDACTED]	11:47:40
20	[REDACTED]	11:47:43
21	[REDACTED]	11:47:47
22	BY MR. CORRIGAN:	11:47:49
23	Q [REDACTED]	11:47:50
24	[REDACTED]	11:47:51
25	[REDACTED]	11:47:55

1 A [REDACTED] 11:47:58

2 [REDACTED] 11:48:01

3 [REDACTED] 11:48:04

4 [REDACTED] 11:48:07

5 Q What makes you think you could sign 11:48:10

6 contracts with those customers if it weren't futile? 11:48:12

7 A They've told us they would sign contracts 11:48:15

8 with us tomorrow and do business with us tomorrow. 11:48:17

9 And some of -- some of the hospitals, 11:48:20

10 there's no -- they don't sign contracts, they just 11:48:22

11 issue work. This is a -- it's not like you're buying a 11:48:26

12 \$4 million, you know, MRI machine, they say, "Hey, can 11:48:30

13 you repair this instrument?" It -- you know, we say 11:48:35

14 it's \$1,800 to repair this instrument, we send them an 11:48:38

15 invoice, they pay us, or they send us a purchase order, 11:48:43

16 we send them an invoice, and they pay us. So it's 11:48:49

17 not -- there's not a need for a big long contract 11:48:51

18 typically. 11:48:53

19 Some hospitals do want an overarching 11:48:54

20 contract, if they have multiple facilities, to be able 11:48:57

21 to maintain consistent pricing, which is not an issue 11:49:03

22 with us because we have consistent pricing no matter 11:49:07

23 who the hospital facility is. 11:49:11

24 Q And you mentioned a moment ago other types 11:49:12

25 of contracts with other types of entities other than 11:49:14

1 customers; correct? 11:49:19

2 A Yes. 11:49:20

3 Q [REDACTED] 11:49:20

4 A [REDACTED] 11:49:21

5 [REDACTED] 11:49:26

6 [REDACTED] 11:49:27

7 [REDACTED] 11:49:34

8 [REDACTED] 11:49:38

9 [REDACTED] 11:49:41

10 [REDACTED] 11:49:49

11 [REDACTED] 11:49:55

12 Q Uh-huh. 11:49:59

13 A That's currently in place right now. 11:50:01

14 Q [REDACTED] 11:50:04

15 [REDACTED] 11:50:07

16 [REDACTED] 11:50:10

17 A [REDACTED] 11:50:13

18 MS. WINNER: Objection. Form. Lack of 11:50:14

19 foundation. 11:50:21

20 THE WITNESS: I'm extremely confident, I'm 11:50:21

21 a hundred percent confident. 11:50:25

22 BY MR. CORRIGAN: 11:50:26

23 Q Where does that confidence come from? 11:50:26

24 A Our partners have been in this business 11:50:29

25 for 20 some odd years, they've done much more 11:50:30

Page 141